19[illegible]. **File No.** O. Deccan College | 45

Legal Dept

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Subject:— Opinions under the Post Graduate and Research Institute Rules — re. extension of the terms etc of Council of Members of the Deccan College

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C O N T E N T S.

Legal Department File No. O. Deccan College/1945

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SMR 6-7-56
5 Copies.

Office of the R.L.A.

Rule 7 of the Rules for the administration, management and running of the Deccan College Post-Graduate and Research Institute provides that every member of the council other than ex-officio member shall hold office for a period of three years from the commencement of the year in which he shall have been appointed subject to the proviso that such member shall be eligible for re-appointment. It is clear from this provision that the period of office of all members of the present Council other than the ex-officio member will expire on 1st May 1945 and it cannot be extended as proposed by the Director of Public Instruction unless the Rules are suitably amended. If Government desires to extend the period, the Rules should be amended accordingly and orders passed before 1st May 1945.

Id./P.N.M. 19/4/45

Remembrancer of Legal Affairs.

U.R. to E.D.No. 3062 dated the 19th April 1945.

SMR 6-7-56
4 Copies.

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Rule 13 of the Deccan College Post Graduate & Research Institute Rules empowers Government to appoint the Director and a Professor in any branch of learning on the recommendation of the Council, while rule 19 vests in the Council the power to appoint Readers with the previous sanction of Government. The Council's power to appoint Readers under rule 19 includes power to suspend or dismiss Readers with the previous sanction of Government (see section 16 of the Bombay General Clauses Act 1904). Consequently if the Council wanted to suspend or dismiss the Reader Dr. Chaghtai during the period of his appointment, the prior sanction of Government would have been necessary. But Dr. Chaghtai was appointed as Reader under rule 19 for a period of five years (see the agreement ~~of~~ at page 49 ante and by-laws 21 and 22 of the Deccan College Post Graduate & Research Institute By-laws): and since that period of five years expired in July 1945 the contract terminated by efflux of time. Consequently the question of terminating the employment of Dr. Ghaghtai with the previous sanction of Government no longer survives. Whether Dr. Chaghtai should be re-employed with the previous sanction of Government or not was a matter entirely within the discretion of the Council. Since however the Council did not choose to re-employ Dr. Chaghtai or continue him as Reader after the expiry of contract period no further action is called for.

Id./ 28-10-45

Remembrancer of Legal Affairs.

U.R. to E.D., No.-328-Confl. dated the 1st November 1945.

Sub. 9/8

3MR 6-7-56
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